

Transactions Involving Conditions

Ref: *Sefer Kinyan, Hilchot Mechirah, Chapter 11*

Reminder:

Rules of Conditions in Marriage Contract. Ref: *Sefer Nashim, Hilchot Ishut, Chapter 6*
Pack on *Shtar*



When goods or property are transferred with an added condition by seller or purchaser, if condition is fulfilled then transaction is complete. If not, then ownership is not transferred. For the transaction to be valid, it must be effective immediately.. Otherwise the transaction is invalid (*asmachta lo kanah*).

The *tenai* (condition) could be real and binding, but it may also be totally ineffective if the wrong language is used.

- Effective *tenai* uses phrases
 - *Al menat* (on condition)
 - *Knei meachshav* (possess from now)
- Ineffective *tenai* uses phrase
 - If, and is called an *asmachta*

(‘If’ brings about a condition of doubt and therefore does not have the power to complete a transaction.)

However, if an *asmachta* is made in a prominent *Bet Din*, it would be regarded as effective.

A whole hearted financial obligation made by a person on his own volition, without conditions, does make him liable even without formal transfer procedures.

If however this commitment is ongoing and non-specific, he would not be liable.